

FILED
MAY 24 2016**AFFIDAVIT IN SUPPORT OF APPLICATION FOR CRIMINAL COMPLAINT**CLERK, U.S. DISTRICT COURT
NORFOLK, VA

I, Christopher P. Leuer, having been duly sworn, state as follows:

Introduction and Agent Background

2:16MJ 231

1. I am a Deputy United States Marshal and have been so employed for 3 years. As part of my duties as a Deputy United States Marshal, I investigate criminal violations relating to prisoners' escape from custody, in violation of Title 18, United States Code, Section 751(a), along with other fugitive investigations. I am a graduate of the Federal Law Enforcement Training Center's Criminal Investigator Training Program, which taught me how to conduct complex criminal investigations. I am also a graduate of the U.S. Marshals Service's Basic Deputy U.S. Marshal Training Program, which taught me how to conduct fugitive investigations. In my experience, I have participated in more than one hundred fugitive investigations, and conducted hundreds of interviews regarding wanted fugitives. I have also assisted with several cases in which prisoners have escaped from custody.

2. Because this affidavit is submitted for the limited purpose of establishing probable cause in support of the application for an arrest warrant, it does not set forth each and every fact learned by me or observed by me during the course of this investigation. I have gathered the information in this affidavit myself or received it from other law enforcement officers.

3. This affidavit includes only the facts I believe are necessary to establish probable cause to believe that RONTAZE D. ELEY knowingly and unlawfully escaped from the custody of an institution and facility in which he was confined by direction of the Attorney General, by virtue of a conviction for an offense, in violation of Title 18, United States Code, Section 751(a).

RJK


Facts Supporting Probable Cause

4. On or about May 12, 2016, the Norfolk Office of the United States Marshals Service received a report that RONTAZE D. ELEY, had escaped from a federally contracted correctional facility, also known as a Residential Reentry Center (RRC).

5. On or about May 12, 2016 your affiant reviewed files from the United States Marshals Service and the Rehabilitation Services, Inc. On May 13, 2016 your affiant conducted interviews with staff members at Rehabilitation Services Inc. #1. A review of the files and interviews conducted revealed the following facts:

a. Records indicate that on February 25, 2013, RONTAZE D. ELEY was adjudged guilty of being a Felon in Possession of a Firearm and Ammunition, in violation of 18 U.S.C. § 922(g)(1), by United States District Judge Mark S. Davis of the Norfolk Division of the Eastern District of Virginia. On that date, ELEY was sentenced to serve a term of 53 months imprisonment, to be followed by three years of supervised release.

b. On or about March 22, 2016, ELEY was transferred from Federal Correctional Institution in Petersburg, Virginia, to Rehabilitation Services #1, a BOP-contracted RRC, to complete his 53-month term of imprisonment. The RRC is located at 300 West 20th Street, Norfolk, Virginia 23517, and is within the Eastern District of Virginia. ELEY was scheduled to be released from the RRC on December 16, 2016, to begin serving his three-year term of supervised release.

c. At approximately 9:30 p.m. on May 11, 2016, a RRC staff member noticed ELEY in possession of an unauthorized smartphone, and alerted C.L., a member of the RRC's management team. C.L. went to ELEY's bedroom to instruct him to turn over the smartphone. Upon being confronted by C.L., ELEY put the smartphone in his pocket, ran past




C.L., and left the RRC. ELEY was then observed running away from the facility on foot via a live camera feed by other RRC staff member monitoring the RRC security cameras in the facility's Control Room.

d. On or about the morning of May 12, 2016, ELEY had not returned to the RRC and was placed on escape status. RRC staff made calls to family and emergency contact numbers in an attempt to locate ELEY were unsuccessful. That same day, the BOP Residential Reentry Manager requested the assistance of the United States Marshals Service to apprehend and detain ELEY.

e. On or about May 18, 2016, your affiant and several other members of the U.S. Marshals Fugitive Task Force located and arrested ELEY at a retail store in Virginia Beach, Virginia. ELEY agreed to speak with law enforcement and, after being advised of his *Miranda* rights, admitted he knew he was in violation of the RRC rules by possessing the smartphone and by leaving the RRC without permission. ELEY stated he knew he was wanted for running away from the RRC and that he understood the RRC was a BOP facility. ELEY further confirmed that he knew he was in custody at the RRC with a release date in December 2016.

Conclusion

6. Based on the foregoing facts, training, and experience, your affiant believes there is sufficient probable cause to charge that on or about May 11, 2016, RONTAZE D. ELEY knowingly and unlawfully escaped from the custody of an institution and facility in which he was confined by direction of the Attorney General, by virtue of a conviction for an offense, in violation of Title 18, United States Code, Section 751(a).


Christopher P. Leuer
Deputy United States Marshal

Sworn to and subscribed before me this 24th day of May, 2016, at Norfolk, Virginia.


United States Magistrate Judge